

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 1780 of 2006

JUDGMENT:

This appeal is directed by the claimant against the order and decree dated 02.06.2006 passed by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Khammam (for short 'the Tribunal), in M.V.O.P.No.789 of 2002, whereby the tribunal dismissed the claim petition on the ground that there is inconsistency regarding the accident, but as per Ex.A.3-medical certificate, the tribunal found that the claimant received five injuries i.e. four injuries are simple and one is grievous injury and granted compensation of Rs.20,000/- and that as the claimant failed to establish the accident, he is not entitled for compensation, as against the claim of Rs.1,00,000/-.

2. Before the tribunal, PWs.1 and 2 were examined on behalf of the claimant and marked Exs.A.1 to A.4. RW.1 was examined on behalf of the respondent, but no documents were marked.

3. The tribunal disbelieved the version of the claimant on three fold. Firstly, the accident took place on 24.12.2001, but as per Ex.A.3- medical certificate the accident occurred on 25.12.2001. Secondly, the sole respondent, who was the owner-cum-driver, purchased the crime vehicle on 31.12.2001. As on the date of accident, one Mr Purushotham was the owner of the crime vehicle, but not the respondent. Therefore, the respondent is not liable to face the proceedings as he has not caused the accident. Thirdly, there is a delay in filing the complaint i.e. on 26.12.2001.

4. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, when the claimant has not made out his case before the tribunal to meet the inconsistency in registering the complaint regarding accident and deciding the owner of the crime vehicle whether M.Srinivas Rao or Purushotham, the tribunal rightly dismissed the claim petition and hence, the order passed by the tribunal is well considered and needs no interference of this Court and accordingly, the appeal is liable to be dismissed.

5. In view of the above, the appeal is dismissed confirming the order and decree dated 02.06.2006 passed in M.V.O.P.No.789 of 2002 by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Khammam. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

01.11.2019
kvrn

T. AMARNATH GOUD, J